IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 25876 of 1999

Between:
Eeragachi Neeraja W/o.Ramana Rao, H.No.5-11-105, Santhi Nagar, Nalgonda.

..... PETITIONER

AND

1. Government of Andhra Pradesh, Rep. by its Principal Secretary to Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police. Vijayawada, Krishna District.
3. The Inspector of Police, Law and Order, Krishna Lanka Police Station, Vijayawada, Krishna District.
4. Eragachi Ramana Rao S/o.Lingaiah, Head Master, Upper Primary School, Velpur Village, Kankipadu Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus by directing the first respondent to hand over the investigation in C.C.No.756 of 1997 on the file of the IV Metropolitan Magistrate cum Mahila Court, Vijayawada to the CBCID and investigate and same and file a proper charge sheet in the matter and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.Subba Rao Korrapati

Counsel for Respondents 1 to 3: The Government Pleader for Home.

Counsel for Respondent No.4: K.V.Bhanu Prasad

The Court made the following Order:

On a complaint made by the petitioner to the Station House Officer, Krishna Lanka Police Station, Vijayawada against the fourth respondent, Crime No.179 of 1997 was registered under Section 498-A of the Indian Penal Code, under Sections 2 and 3 of the Dowry Prohibition Act 1966 and under Section 174 of Criminal Procedure Code. The Police investigated the crime and filed a charge sheet under Section 498-A I.P.C. before the IV Metropolitan Magistrate cum Mahila Court, Vijayawada after deleting the provisions under Sections 2 and 3 of the Dowry Prohibition Act. On filing such charge sheet, petitioner filed Crl.M.P.No.1414 of 2000 for adding the provisions of Dowry Prohibition Act, which was allowed through order dated 14-06-2000. When the charge sheet was filed under Section 498-A I.P.C., and when the learned Magistrate took the case on file as C.C.No.756 of 1997, the present writ petition is filed for directing the first respondent to handover the investigation in C.C.No.756 of 1997 on the file of the IV Metropolitan Magistrate cum Mahila Court, Vijayawada to the CBCID for investigation and file a proper charge sheet.

Since the petitioner has already taken recourse to the Provisions of the Criminal Procedure Code, by filing an application in Crl.M.P.No. 1414 of 2000, which was allowed by the learned Magistrate, no further direction can be issued for handing over the investigation to the CBCID, for investigation into the said crime. The petitioner is at liberty to proceed with the case and establish the guilt of the accused during the course of the trial.

The writ petition is accordingly dismissed. No costs.

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30-06-2004

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1. The Principal Secretary to Home Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Commissioner of Police, Vijayawada, Krishna District.
3. The Inspector of Police, Law and Order, Krishna Lanka Police Station, Vijayawada, Krishna District.
4. Two C.Cs. to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT)
5. Two C.D. copies.